IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIFTEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 7026 of 2005

Between:

Pathan Rahman Khan, S/o. P.Usman Khan,
resident of Door.No.86/139, Old Housing Board Colony,
Kunool - 518 002.

..... PETITIONER

AND

1 Section Officer (VIG), Govt. of India,

Ministry of Finance (Banking Division),
Vigilance Section, New Delhi.
2 The Chief Vigilance Officer,

State Bank of India, Central Office,
Bank Bhavan, Back-Bay Reclamation, Fort, Mumbai.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly one in the nature of writ of Mandamus to declare that the 1st respondent's letter No.8/20/6/2004/VIG, dt.4th March, 2005 as illegal, arbitrary and unconstitutional and direct the 2nd respondent to implement the Law under order of the Supreme Court in B.Karunakar's case and pass such other order or orders.

Counsel for the Petitioner :PARTY-IN-PERSON

Counsel for the Respondent No.1: Mr.A.RAJASHEKAR REDDY

(ASST.SOLICITOR GEN.)

Counsel for the Respondent No.2: Deepak Bhattacharjee

The Court at the stage of admission made the following :

ORDER:

After pronouncement of the orders, the party in person appeared and requested to hear the matter. Therefore, the matter is taken up again.

The party in person contended that in pursuance of the judgment dated 1-10-1993 in "***MANAGING DIRECTOR, ECIL, HYDERABAD v. B. KARUNAKAR"*** the report of the Enquiry Officer has not furnished to him and therefore, the entire disciplinary proceedings will go away. Admittedly, punishment imposed against the petitioner on 15-11-1983, is not under attack in this present writ petition.

The only grievance of the petitioner is that in pursuance of the impugned letter addressed by the respondents to the petitioner recites that as if the inquiry report along with the penalty order was sent to him on 07-05-1993 itself and the same was acknowledged by him, but the said fact is false.

Since the main order under which he was removed from service, is not challenged before this court, the question as to whether a copy of the report of the Enquiry Officer, is furnished to the delinquent or not is immaterial.

Further, as laid down by the Apex Court, non-furnishing of a copy of the inquiry report would not vitiate the enquiry proceedings and also punishment imposed thereon, unless the prejudice is caused to the delinquent. But, no material is shown by the petitioner that due to non furnishing of such a copy of the report, any such prejudice is caused to him. In the absence of the same, I see no merits in this writ petition and the same is liable to be dismissed.

Therefore, this writ petition is dismissed. No costs.

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K.C.BHANU, J.

Dated: 15..04..2005

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To

1 Section Officer (VIG), Govt. of India,

Ministry of Finance (Banking Division),
Vigilance Section, New Delhi.

2 The Chief Vigilance Officer,

State Bank of India, Central Office,
Bank Bhavan, Back-Bay Reclamation, Fort, Mumbai.

3 Two CD copies